

MAR 02 2009

## CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR §1.8

I hereby certify that this correspondence, totaling five (5) pages including recited attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 571-273-9200 (Central number) on the below date:

Date: February 28, 2009

Name: Gregory H. Zayia - Reg. No. 48,059

Signature: *Gregory Zayia*
 BRINKS  
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 & LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Yasuyuki Kawashima

Appln. No.: 10/821,732

Filed: April 8, 2004

 For: Methods for Measuring Bacteria, Bacteria  
 Measuring Apparatuses, and Storage  
 Media for Storing Computer-Executable  
 Programs for Analyzing Bacteria
Examiner: Kailash C.  
Srivastava

Art Unit: 1657

Conf. No.: 1524

Attorney Docket No.: 11333/38

 Mail Stop Amendment  
 Commissioner for Patents  
 PO Box 1450  
 Alexandria, VA 22313-1450

## TRANSMITTAL

## Attached is/are:

- ☒
- Transmittal (in duplicate); and Substance of Interview.

## Fee calculation:

- ☒
- No additional fee is required.
- 
- ☐
- Small Entity.
- 
- ☐
- An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 CFR § 1.136(a).
- 
- ☐
- A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 CFR § 1.17(\_\_\_\_).
- 
- ☐
- An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$26=			x \$52=	
Indep.		Minus			x \$110=			x \$220=	
First Presentation of Multiple Dep. Claim					+\$195=			+\$390=	
					Total	\$		Total	\$

## Fee payment:

- ☐
- Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_.
- 
- ☐
- Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- 
- ☒
- The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

February 28, 2009

Date

*Gregory Zayia*  
 Gregory H. Zayia (Reg. No. 48,059)

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BRINKS HOFER GILSON &amp; LIONE

NBC Tower - Suite 3800, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599

MAR 02 2009

**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR §1.8**

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Date: February 28, 2009 Name: Gregory M. Zayla - Reg. No. 48,059 Signature: Gregory M. Zayla

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& LIONE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of: **Yasuyuki Kawashima**

Appln. No.: **10/821,732**

Filed: **April 8, 2004**

For: **Methods for Measuring Bacteria, Bacteria Measuring Apparatuses, and Storage Media for Storing Computer-Executable Programs for Analyzing Bacteria**

Examiner: **Kailash C. Srivastava**

Art Unit: **1657**

Conf. No.: **1524**

Attorney Docket No.: **11333/38**

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

Attached is/are:

☒ Transmittal (in duplicate); and Substance of Interview.

**Fee calculation:**

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- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 CFR § 1.136(a).
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Indep.		Minus			x \$110=			x \$220=	
First Presentation of Multiple Dep. Claim					+ \$195=			+ \$390=	
					Total	\$		Total	\$

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Respectfully submitted,

February 28, 2009  
Date

Gregory M. Zayla (Reg. No. 48,059)

**BRINKS  
HOFER**

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NBC Tower - Suite 3800, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599

MAR 02 2009

I hereby certify that this correspondence is being sent via  
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February 28, 2009

Gregory H. Zayia - Registration No. 48,059

Name of Applicant, Assignee or  
Registered Representative

Signature

Date of Transmission

Our Case No. 11333/38

Sysmex Ref. No. 1-2002-090US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yasuyuki Kawashima

Serial No. 10/821,732

Filing Date: April 8, 2004

For: Methods for Measuring Bacteria,  
Bacteria Measuring Apparatuses,  
and Storage Media for Storing  
Computer-Executable Programs for  
Analyzing Bacteria

Examiner Kailash C. Srivastava

Group Art Unit No. 1657

## SUBSTANCE OF INTERVIEW

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Interview Summary mailed February 12, 2009, Applicant respectfully requests entry of the following Remarks, which begin on page 2 of this communication.